

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Leslie *et al.*

Examiner: Casler, Traci L.

Serial No.: 09/932,163

Group Art Unit: 3629

Filed: 08/17/2001

Docket No.: **RSW920010164US1**

Title: **CUSTOMIZING THE PRESENTATION OF INFORMATION TO SUIT A USER'S
PERSONALITY TYPE**

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REPLY BRIEF OF APPELLANT

This Reply Brief is in response to the Examiner's Answer mailed October 3, 2007.

GROUND OF REJECTION 1

Claims 1-2, 12-17, 30, and 34-36 stand rejected under 35 U.S.C. 112, first paragraph, as allegedly failing to comply with the enablement requirement.

At issue is the following feature recited in claim 1: "deducing the at least one value of each personality type variable from the logged occurrences of events by utilizing characteristics of said user interactions with Internet web sites that the user visits during the first session".

The Examiner's Answer, page 3 argues: "Claims 1-2 and 12-16, 30 recite the limitations of "deducing a value" of variables, however the disclosure fails to teach how the "deducing" is done. Examples are given when a specific type of variable is used and what those variables indicate. However, there are no specific steps that would allow one skilled in the art to make and/or use the applicants invention to "deduce" the value of a variable. Applicant fails to identify how a variable is even identified and/or know to the user let alone how one would "deduce" a value of this unknown variable."

The Examiner's Answer, page 2 states explicitly that the aforementioned rejection of claim 17 has been withdrawn since claim 17 has been canceled..

The Examiner's Answer, page 3 does not mention that the aforementioned rejection applies to claims 34-36. Therefore, Appellants assume that the aforementioned rejection of claims 34-36 is either not addressed in the Examiner's Answer or else has been impliedly withdrawn even though not explicitly withdrawn .

In response to the preceding argument in the Examiner's Answer, Appellants cite the Examiner's Answer, page 7 which states: "The specification discloses multiple algorithm methods for "deducing" the value of the personality types." Appellants regard the preceding

statement in the Examiner's Answer as an acknowledgment that claim limitation of "deducing the at least one value of each personality type variable" is in fact enabled in the specification by said "multiple algorithm methods for "deducing" the value of the personality types".

The Examiner's Answer, page 7 argues that "the appellant fails to set forth how one skilled in the art is to identify the "occurrences" of events as be of a particular personality type. The appellant gives examples of what could be construed as certain personality traits but fails to set forth guidelines for how one skilled in the art would attempt to categorize the traits. In response to this same rationale provided in the advisory action dated April 4, 2007, the appellant again responds with copied sections of the specification listing the examples referred by the examiner and alleges this describes what action or event would indicate extroversion or introversion. This example only applies to this scenario; the appellant fails to set forth guidelines for one to follow on how to identify occurrences for any implicitly relevant event. The examiner understands that not every scenario can be accounted for but some type of teaching such as teaching the "identifier" how to identify personality traits for the scope of the claimed invention".

In response, Appellants assert that Appellants' specification, page 10, lines 5-16 enables deducing the value of a variable by processing the content of logs as follows:

"In an exemplary embodiment of the invention, values of the variables of the personality type indicator may be deduced by testing the contents of the logs. For example, the value of a binary variable, such as the MBTI extroversion-introversion variable, may be determined by taking a majority vote of paired counters associated with the binary variable – e.g., if the MBTI extroversion log had ten entries and the introversion log three, the value of the extroversion-introversion variable for the user 100 would be deduced, by majority vote, to be E rather than I. Values of the other variables may be deduced in the same way, and

the value of the personality type indicator computed from the values of its variables. The use of majority vote is illustrative of the present invention rather than limiting, of course, and once taught the present invention those skilled in the art will understand that a number of other algorithms may be employed to test the contents or otherwise analyze the logs in order to deduce the values of the variables of the personality type indicator.”

Appellants further assert that Appellants’ specification, page 9, lines 6-16 describes how the logs acquire the content that enables deducing the value of a variable as follows:

“While the session is ongoing between the user 100 and the server 110, the personality engine 120 monitors for occurrences of the events that are implicitly relevant to deducing the values of the variables of the personality type indicator (step 240). When an event is observed, the personality engine 120 records the occurrence of the event in the appropriate log (step 250). For example, the log of the extroversion-introversion variable may be kept as follows: when the user 100 makes a chatroom posting that has a length of less than twenty words, a counter of events indicative of an extrovert personality may be incremented; conversely, when the user 110 makes a chatroom posting having twenty or more words, a counter of events indicative of an introvert personality may be incremented. Analogous methods hold for keeping the logs of the other variables of the personality type indicator.”

Appellants further assert that Appellants’ specification, page 6, lines 3-6 identifies the four Myer Briggs personality indicators: namely, extroversion-introversion, sensing-intuition, thinking-feeling, and judging-perceiving. The following discussion explains how the specification describes embodiments for deducing at least one value of each of the aforementioned four Myer Briggs personality indicators.

The following text in Appellants' specification, page 6, line 13 - page 7, line 3 describes embodiments of how the extroversion-introversion variable may be deduced:

"For example, the value of the extroversion-introversion variable may be deduced from the time that the user 100 typically spends on a web page before moving on (called here "topic dwelling time"), or from the brevity or lengthiness of chatroom postings by the user 100, or from knowledge of a hobby of the user 100. More specifically, an extrovert moves quickly from one web page to another, i.e., has a low average topic dwelling time, makes chatroom postings that are relatively short and directed to a relatively large number of recipients, and enjoys hobbies such as group games and team sports (and, consequently, may have purchased equipment related to the hobby in the past). Conversely, an introvert has a higher average topic dwelling time, makes chatroom postings that are relatively long and directed to relatively few recipients, and enjoys hobbies such as reading, gardening, and sewing."

The following text in Appellants' specification, page 7, lines 4 - 9 describes embodiments of how the sensing-intuition variable may be deduced:

"Likewise, the value of the sensing-intuition variable may be deduced from, for example, linguistic analysis of the chatroom postings of the user 100. Chatroom postings of a user 100 who is characterized by sensing may be simple and to the point, using verbs in the past and present tenses; whereas chatroom postings of a user 100 who is characterized by intuition may often include compound sentences, frequently with repetition, recaps, and rephrasing, using verbs in the future tense."

The following text in Appellants' specification, page 7, lines 10-16 describes embodiments of how the thinking-feeling variable may be deduced:

"Further, the value of the thinking-feeling variable may be deduced from, for example, sociological analysis of the chatroom postings of the user 100. A user

who is characterized by thinking may seldom ask whether timing is convenient for another chatroom participant, may offer praise sparingly to others, may often neglect social niceties, and may use people's names infrequently; whereas a user who is characterized by feeling may often ask if timing is convenient for another, is often generous with praise, engages in social niceties, and uses people's names frequently."

The following text in Appellants' specification, page 7, line 17 - page 8, line 1 describes embodiments of how the judging-perceiving variable may be deduced:

"The value of the judging-perceiving variable may be deduced from, for example, observation of a choice by the user 100 of an interface with the server 110. A user who is characterized by judging may choose an organized interface, whereas a user who is characterized by perceiving may choose an interface that is artistic, creative, and fun to use."

Appellants respectfully assert that the preceding discussion demonstrates that Appellants' specification enables the claimed method step of "deducing the at least one value of each personality type variable from the logged occurrences of events by utilizing characteristics of said user interactions with Internet web sites that the user visits during the first session".

Based on the preceding argument, Appellants respectfully contend that claims 1-2, 12-16, 30, and 34-36 do not fail to comply with the enablement requirement under 35 U.S.C. 112, first paragraph.

GROUND OF REJECTION 2

Claims 13, 20, and 25 stand rejected under 35 U.S.C. 112, first paragraph, as allegedly failing to comply with the enablement requirement.

Appellants traverse the rejection of claims 20 and 25 under 35 U.S.C. 112, first by noting that claims 20 and 25 have been canceled.

The Examiner's Answer, page 4 argues: "Claims 13, 20 and 25 recite the limitation of "majority-vote" algorithm. Appellants disclosure states using log entries in the majority-vote algorithm in which the log with the greatest number of entries is the majority and that type, however, the applicants disclosure fails to teach how one of ordinary skill in the art at the time of invention would identify what is placed into which category log."

In response, Appellants assert that the Appellants' specification, page 9, lines 6-16 identify what is placed into which category log as follows:

"While the session is ongoing between the user 100 and the server 110, the personality engine 120 monitors for occurrences of the events that are implicitly relevant to deducing the values of the variables of the personality type indicator (step 240). When an event is observed, the personality engine 120 records the occurrence of the event in the appropriate log (step 250). For example, the log of the extroversion-introversion variable may be kept as follows: when the user 100 makes a chatroom posting that has a length of less than twenty words, a counter of events indicative of an extrovert personality may be incremented; conversely, when the user 110 makes a chatroom posting having twenty or more words, a counter of events indicative of an introvert personality may be incremented. Analogous methods hold for keeping the logs of the other variables of the personality type indicator."

The Examiner's Answer, page 4 further argues: "The disclosure makes suggestions by way of examples but not specific teaching for one to understand how to determine what action or event would be determined as for example extroversion or introversion."

In response, Appellants assert that the following text in Appellants' specification, page 6, line 13 - page 7, line 3 describes what action or event would indicate extroversion or introversion:

"For example, the value of the extroversion-introversion variable may be deduced from the time that the user 100 typically spends on a web page before moving on (called here "topic dwelling time"), or from the brevity or lengthiness of chatroom postings by the user 100, or from knowledge of a hobby of the user 100. More specifically, an extrovert moves quickly from one web page to another, i.e., has a low average topic dwelling time, makes chatroom postings that are relatively short and directed to a relatively large number of recipients, and enjoys hobbies such as group games and team sports (and, consequently, may have purchased equipment related to the hobby in the past). Conversely, an introvert has a higher average topic dwelling time, makes chatroom postings that are relatively long and directed to relatively few recipients, and enjoys hobbies such as reading, gardening, and sewing."

The Examiner's Answer, page 7 further argues: "The examiners rejection is on the basis that the appellant has failed to set forth support in the disclosure for how one of ordinary skill in the art identifies what an "occurrence" is in relation to personality types. The characteristics and occurrences are the values that are used in performing the "deduction" of the **at least one value**. The examiner also asserts that the disclosure fails to teach that a "majority-vote" algorithm is the algorithm used by the appellant to "deduce" **the values**." (emphasis added)

In response, Appellants conclude that the Examiner's Answer is erroneously interpreting

the language of claim 13. In particular, the Examiner's Answer appears to be alleging that claim 13 recites that the majority vote algorithm is used to deduce the "at least one value of each personality type variable" recited in claim 1, which is incorrect, and the Examiner's analysis does not appear to address the language of claim 13. Note that claim 13 depends from claim 12 which depends from claim 1.

Claim 1 recites "deducing the at least one value of each personality type variable ...; recording each value of the deduced at least one value of each personality type variable in a corresponding log that is specific to each value, resulting in a set of logs ... in which said least one value of each personality type variable has been recorded".

Claim 12 (which depends from claim 1) recites "deducing ... a best value of each personality type variable of the plurality of personality type variables, said deducing comprising determining from each log of the set of logs the best value of each personality type variable."

Claim 13 (which depends from claim 12) recites "determining the best value of each personality type variable comprises executing a majority vote algorithm for each log whose associated personality type variable is a binary variable".

In other words, claim 13 recites application of a majority vote algorithm to the recorded values of each personality type variable in the set of logs generated in the "recording" step of claim 1 to deduce a "best value" for each personality type variable. The Examiner's Answer apparently does not understand the preceding meaning of claim 13 and states an argument that is not relevant to the language of claim 13.

A concrete illustration the language of claim 13 in one embodiment is recited in Appellants' specification, page 10 as follows: "In an exemplary embodiment of the invention,

values of the variables of the personality type indicator may be deduced by testing the contents of the logs. For example, the value of a binary variable, such as the MBTI extroversion-introversion variable, may be determined by taking a majority vote of paired counters associated with the binary variable – e.g., if the MBTI extroversion log had ten entries and the introversion log three, the value of the extroversion-introversion variable for the user 100 would be deduced, by majority vote, to be E rather than I.”

Based on the preceding arguments, Appellants respectfully contend that claim 13 does not fail to comply with the enablement requirement under 35 U.S.C. 112, first paragraph.

GROUND OF REJECTION 3

The Examiner's Answer, page 2 withdrew the rejection of claims 34-36 and 46-48 under 35 U.S.C. 112, first paragraph, as allegedly failing to comply with the written description requirement.

GROUND OF REJECTION 4

Claims 1-2, 11-16, 30, and 37-45 stand rejected under 35 U.S.C. § 102(e) as allegedly being anticipated by US Patent 5,987,415 Breese *et al*; Modeling a User's Emotion and Personality in a computer user interface.

The Examiner's Answer, pages 8-9 states that "the examiner notes appellants arguments fail to comply with 37 CFR 1.111(b) because they amount to a general allegation that the claims define a patentable invention without specifically pointing out how the language of the claims patentably distinguishes them from the references. Through out arguments addressing the prior art rejection the appellant continuously identifies sections Breese(prior art of record) and simply makes a statement of what the claim recites. The appellant fails to make any attempt to show how appellants claim language distinguishes itself from the prior art "

In response, Appellants assert that Appellants' arguments patentably distinguish the claim language from what Breese teaches by identifying claimed features not taught by Breese and demonstrating that the arguments in the Examiner's Answer alleging that Breese teaches said claimed features are not persuasive, as well as by providing additional relevant analysis of Breese.

Appellants respectfully contend that Breese does not anticipate claims 1 and 37, because Breese does not teach each and every feature of claims 1 and 37.

As a first example of why Breese does not anticipate claims 1 and 37, Breese does not teach the feature: "logging occurrences of events that are implicitly relevant to deducing at least

one value of each personality type variable of a plurality of personality type variables of a personality type indicator associated with the user during a first session over the Internet between the user and the server, said events consisting of user interactions with Internet web sites that the user visits during the first session”.

The Examiner’s Answer, page 5 argues that Breese, col. 11, lines 5-9 and col. 12, lines 50-53 teaches the preceding feature of claims 1 and 37.

Appellants note that Breese, col. 11, lines 4-9 recites: “Thus, the Bayesian belief network fragment of FIG. 3 indicates (1) the relationship of emotion and personality on expressive style, (2) the probability that a modeled concept will be interpreted as a particular style, and (3) whether the interpretation matches the intent for each component and whether they match on all components.”

Appellants respectfully contend that the preceding quote from Breese, col. 11, line 4-9 does not teach logging occurrences of events, but rather describes a Bayesian belief network fragment. Moreover, Breese, col. 11, line 4-9 does not teach logging occurrences of events consisting of user interactions with Internet web sites that the user visits. Appellants note that Breese, col. 11, line 4-9 does not even mention visiting Internet web sites.

Appellants further note that Breese, col. 12, lines 48-53 recites: “Referring to FIG. 6, the Bayesian user network model 610 (a copy of the network of FIG. 2) receives inputs from the user interface representing observations of the user’s behavior (loud and angry voice tones, or a calm and quiet voice, for example).”

Appellants respectfully contend that the preceding quotes from Breese, col. 12, lines 48-53 does not teach logging occurrences of events, but rather describes receiving inputs from the

user interface. Moreover, Breese, col. 12, lines 48-53 does not teach logging occurrences of events consisting of user interactions with Internet web sites that the user visits.

Breese teaches analyzing the user's responses (e.g., in words or phrase - see Breese, col. 9, line 65 - col. 11, line 9) or in other ways (e.g., observing the user's facial expressions - see Breese, col. 14, lines 34-40) to make the inferences cited by the Examiner's Answer in Breese, col. 11, line 4-9. If said responses by the user are interpreted as the "events" in claims 1 and 37, then Appellants assert that Breese does not disclose the said responses by the user are logged.

Breese teaches analyzing the responses by the user as these responses occur. For example, Breese, col. 12, lines 48 - col. 13, line 8, the policy module 620 received inputs from the user interface representing the user's behavior (e.g., loud and angry voice, or calm and quiet voice), and the module 620 invokes a Bayesian module 640 to infer a user behavior for an agent to perform. Breese does not disclose that said user's behavior is logged.

What is actually logged in Breese is the probability of occurrence of different states of expression (e.g., happy, surprise, fear anger, sad, disgust) of the user, as disclosed in Breese, col. 15, lines 20-46 and FIG. 12. However, does not disclose logging the "events" (i.e., the user's behavior) from which said probabilities are computed. For example, the log of Breese, FIG. 12 does not show the "events" from which said probabilities are computed.

The Examiner's Answer, page 9 argues: "Appellant argues on Pg. 17 of the Brief that Breese does not teach logging occurrences ... As to Breese not teaching a "logging occurrences" the examiner notes that on C. 13 l. 4-8 Breese teaches on observation interface of that receives inputs form the users keyboard and mouse. The examiner asserts this reads on logging of an

occurrence. The examiner notes "logging" is a broad term which is being interpreted as recording or any type of input of information as the appellant has failed to further limit what constitutes a logging."

The Examiner's Answer, page 10 further argues: "The appellant argues that Breese fails to teach the user behaviors being logged. **The examiner note logged is interpreted to be a file that keeps record of activities or events.** Therefore, the examiner refers to C. 12 I. 50-55 in which user observations inputs(data transferred from the outside world into a computer system are used by the network module to determine emotional state. Additionally, C. 13 I. 10-20 discloses (1)Observe: when a concept is recognized a node is set to an appropriate value in the Bayesian network... Appellant further argues that the behaviors are not logged or recorded but rather a "probability occurrence" is recorded. The examiner notes that in order for the probability to be determined the "scores" for the users utterances have to be identified and input somewhere into the system to calculate the probability of an emotional state. C 14 I. 30-30 C. 16 I. 30-45)" (emphasis added).

In response, Appellants agree with the Examiner's Answer that logging data may be implemented by recording the data in a file. Given the preceding interpretation of "logging" in the Examiner's Answer, Appellants assert Breese does not explicitly teach that a received input from a keyboard or mouse is recorded in a file. In addition, Breese does not inherently teach that a received input from a keyboard or mouse is recorded in a file.

Under case law, an alleged inherency must **necessarily and inevitably** follow from the teachings in the prior art and a high probability of occurrence is not sufficient demonstrating inherency. See MPEP 2112(IV) which recites: "The fact that a certain result or characteristic

may occur or be present in the prior art is not sufficient to establish the inherency of that result or characteristic. *In re Rijckaert*, 9 F.3d 1531, 1534, 28 USPQ2d 1955, 1957 (Fed. Cir. 1993) (reversed rejection because inherency was based on what would result due to optimization of conditions, not what was necessarily present in the prior art); *In re Oelrich*, 666 F.2d 578, 581-82, 212 USPQ 323, 326 (CCPA 1981). "To establish inherency, the extrinsic evidence 'must make clear that the missing descriptive matter is **necessarily** present in the thing described in the reference, and that it would be so recognized by persons of ordinary skill. Inherency, however, may not be established by probabilities or possibilities. The mere fact that a certain thing may result from a given set of circumstances is not sufficient.' " *In re Robertson*, 169 F.3d 743, 745, 49 USPQ2d 1949, 1950-51 (Fed. Cir. 1999)... "In relying upon the theory of inherency, the examiner must provide a basis in fact and/or technical reasoning to reasonably support the determination that the allegedly inherent characteristic necessarily flows from the teachings of the applied prior art." *Ex parte Levy*, 17 USPQ2d 1461, 1464 (Bd. Pat. App. & Inter. 1990) (emphasis in original)" (bold emphasis added).

Thus, Breese does not inherently teach that a received input from a keyboard or mouse is logged by being recorded in a file, because it is a possible that the received input is dynamically processed when the input is received and then discarded without ever being recorded in a file. In other words, it is possible that derived data resulting from the dynamic processing of the input data is recorded and that the input data itself is no longer needed after being dynamically processed.

This is consistent with the fact that Breese discloses logging the probability of occurrence of different states of expression (e.g., happy, surprise, fear anger, sad, disgust) of the user (see

Breese, col. 15, lines 20-46 and FIG. 12) as discussed *supra*. The probability of occurrence of different states of expression is data derived from the user's behavior from which said probabilities are computed. Logging the probability of occurrence of different states of expression does not require logging the input data from which said probability of occurrence is derived.

Thus, an allegation that a received input from a keyboard or mouse is logged by being recorded in a file does not **necessarily and inevitably** follow from the teachings in Breese.

Therefore, Breese, col. 13, lines 4-8 does not teach that the received input from a keyboard or mouse is logged.

Moreover, Breese, col. 11, lines 5-9 and col. 12, lines 48-53 does not even mention visiting Internet web sites.

The Examiner's Answer, page 9 argues: "As to appellants argument that Breese fails to teach the internet websites, the examiner notes that Breese teaches the method and system taking place over a communication network (C. 61 l. 50-53) and teaches the network can be the internet which inherently includes websites. Furthermore, as claimed by applicant the logging is merely the users interaction with a website therefore, a mouse click is equivalent to an "interaction" with a website."

The Examiner's Answer, pages 11-12 further argues: "As to appellants statement/argument that Breese does not teach information "From internet websites", the examiner notes the appellant is not claiming information FROM a website but rather a users interactions with a website. Therefore web chatting(using a keyboard) or clicking through a

site(using a mouse) with a computer agent is a users interaction with a website.“

In response, Appellants assert that the aforementioned citation to Breese, col. 61, lines 50-53 does not exist and therefore cannot be considered in this appeal.

As to the user's using a keyboard and clicking a site with a mouse, the Examiner has not cited anything in Breese that allegedly teaches that the user employs a mouse to click to an Internet web site during a session over the Internet between the user and a server to enable performance of “logging occurrences of events that are implicitly relevant to deducing at least one value of each personality type variable of a plurality of personality type variables of a personality type indicator associated with the user during a first session over the Internet between the user and the server, said events consisting of user interactions with Internet web sites that the user visits during the first session”.

Breese discusses use of the Internet in Breese occurs Breese, col. 7, line 59 - col. 8, line 4, which teaches that the method of Breese's invention may be implemented in the system of Breese, FIG. 1 that includes personal computer 120 that is coupled to a remote computer 150 via a modem 154 or an interface 156 , wherein remote computer 150 is coupled to optical drive interface 134 via the Internet 152, and wherein the user interacts with the personal computer 120. See Breese, col. 7, lines 30-32 (“A user may enter commands and information into the personal computer 120 through input devices such as a keyboard 140 and pointing device 142.”).

However, FIG. 1 of Breese is a generic computing system and Breese does not teach how the computing system of Breese, FIG. 1 uses the Internet 152 to implement Breese's described method. Claims 1 and 37 specifically require the user to visit and interact with Internet web sites during a session over the Internet between the user and a server. If the user of personal computer

120 were to engage in a session over the Internet 152, the only device accessible to the user over the Internet 152 is the optical drive interface 134 which stores application programs and data (see Breese, col. 7, lines 12-16). Appellants assert that the optical drive interface 134 is not a server. Moreover, the user of the personal computer 120 would be required to access the Internet 152 indirectly via the remote computer 150, since the remote computer 150 and the optical drive interface 134 are the only devices which are directly connected to the Internet 152 in Breese, FIG. 1.

1. There is no server in Breese, FIG. 1 with which the user of personal computer 120 may engage in a session with over the Internet 152. Although the user of personal computer 120 may engage in a session with the remote computer 150 which is coupled to the Internet 152, such a session between the user of personal computer 120 and remote computer 150 would not be over the Internet 152 but would rather be over the modem 154 or interface 156 as is evident in Breese, FIG. 1.

In summary, Breese, FIG. 1 and a description thereof does not teach that the user of personal computer 120 interacts with a server over the Internet to visit Internet web sites to enable performance of “logging occurrences of events that are implicitly relevant to deducing at least one value of each personality type variable of a plurality of personality type variables of a personality type indicator associated with the user during a first session over the Internet between the user and the server, said events consisting of user interactions with Internet web sites that the user visits during the first session”.

In addition, claims 1 and 37 recite the plural form in the phrase “Internet web sites”. Thus the claim language requires that the claimed events consist of user interactions with at least two Internet web sites during a session with a server over the Internet, which Breese surely does

not teach.

Therefore, Breese does not teach the preceding feature of claims 1 and 37.

As a second example of why Breese does not anticipate claims 1 and 37, Breese does not teach the feature: “deducing the at least one value of each personality type variable from the logged occurrences of events by utilizing characteristics of said user interactions with Internet web sites that the user visits during the first session”.

The Examiner’s Answer, page 5 argues that Breese, col. 8, lines 19-23, 25-27; col. 11, lines 58-61 teaches the preceding feature of claims 1 and 37.

Appellants note that Breese, col. 8, lines 18-27 recites: “A portion of such a Bayesian network, i.e., one consisting of merged fragments, is shown in FIG. 4. The various fragments differ only in the assessment of the paraphrase scorings, that is the probability that each paraphrase will be interpreted as active, strong, etc. There are five assessments needed for each alternative paraphrase for a concept (the ones mentioned earlier, plus a formality assessment). Note that the size of the belief network representation grows linearly in the number of a paraphrases (the number of concepts modeled times the number of paraphrases per concept)”.

Appellants respectfully contend that the preceding quotes from Breese, col. 8, lines 18-27 does not teach deducing the at least one value of each personality type variable from the logged occurrences of events, but rather describes a depiction of merged fragments Bayesian network shown in Breese, FIG. 4. Moreover, Breese, col. 8, lines 18-27 does not teach such deducing by utilizing characteristics of the user interactions with Internet web sites that the user visits. Breese, col. 8, lines 18-27 does not even mention visiting Internet web sites.

Appellants note that Breese, col. 11, lines 58-61 recites: "In FIG. 5A, various candidate greetings in the column labeled "greet" (e.g., "hello", "hi there", "howdy") are assessed for their terseness and assigned an individual probability".

Appellants respectfully contend that the preceding quotes from Breese, col. 11, lines 58-61 does not teach deducing the at least one value of each personality type variable from the logged occurrences of events, but rather describes a depiction of various candidate greetings shown in Breese, FIG. 5A. Moreover, Breese, col. 11, lines 58-61 does not teach such deducing by utilizing characteristics of the user interactions with Internet web sites that the user visits.

Also as explained *supra* in conjunction with the first example, Breese does not teach user interaction with Internet websites during a session over the Internet between the user and a server. Therefore, Breese cannot teach the preceding feature of claims 1 and 37 which recites that such user interaction with Internet websites occur.

Therefore, Breese does not teach the preceding feature of claims 1 and 37.

As a third example of why Breese does not anticipate claims 1 and 37, Breese does not teach the feature: "recording each value of the deduced at least one value of each personality type variable in a corresponding log that is specific to each value, resulting in a set of logs that comprises the corresponding logs in which said least one value of each personality type variable has been recorded".

The Examiner's Answer, page 5 argues that Breese, col. 10, lines 39-42 teaches the preceding feature of claims 1 and 37.

Appellants note that Breese, col. 10, lines 39-42 recites: "Thus, the first stage 305

captures the degree to which an individual with a given personality and in a particular emotional state will tend to communicate in a particular style.”

Appellants respectfully contend that the preceding quotes from Breese, col. 10, lines 39-42 does not teach the claimed recording, but rather teaches the capturing by a first stage 305 of a Bayesian network the degree to which an individual with a given personality and in a particular emotional state will tend to communicate in a particular style. The Bayesian network represent of the probabilistic relationships among distinctions about the world (Breese, col 2, lines 31-33) and thus does not record values of personality type variables.

The Examiner’s Answer, page 11 argues: “Appellant argues that Breese does not teach a “recording of each value....” The appellant simply argues that the prior art does not teach the “claimed recording” but fails to set forth any reasoning/rational of how the appellants claimed invention distinguishes itself from the capturing of a users emotional state. Appellant merely restates claim language and does not identify any differences.”

In response, Appellants assert that “record” is defined as “put in writing, print, etc. for future use” or “to register (sound or visual images) in some permanent form such as on a phonograph disc, magnetic tape, etc. for reproduction on a playback device”. Webster’s New World Dictionary 1122 (3d ed. 1988). “Capture” is defined as “to take or seize by force, surprise, or skill”. *Id.* at 209. Therefore, “recording” and “capturing” have significantly different meanings.

In further response, Appellants assert that the Examiner’s Answer has merely cited Breese, col. 10, lines 39-42 and has not presented any analysis to demonstrate that the preceding feature of claims 1 and 37 reads on the content in Breese, col. 10, lines 39-42. Therefore, the

citation to Breese, col. 10, lines 39-42 in the Examiner's Answer is not persuasive, due to lack of accompanying analysis.

Therefore, Breese does not teach the preceding feature of claims 1 and 37.

As a fourth example of why Breese does not anticipate claims 1 and 37, Breese does not teach the feature: "customizing a presentation of information from Internet web sites to the user by the server according to a value of the personality type indicator".

The Examiner's Answer, page 5 argues that Breese, col. 12, lines 62-66; col. 13, lines 31-35 teaches the preceding feature of claims 1 and 37.

Appellants note that Breese, col. 12, lines 61-66 recites "The policy module 620 governs a Bayesian agent network model 640 (another copy of the network of FIG. 2) and informs network 640 what emotional and personality state is to be projected to the user by the agent"

Appellants respectfully contend that the preceding quotes from Breese, col. 12, lines 61-66 does not disclose customizing a presentation of information from Internet web sites to the user by the server. The Internet is not mentioned and there is no disclosure of a server to which the user is engaged during a session over the Internet, as explained *supra* in conjunction with the first example.

Appellants note that Breese, col. 13, lines 31-35 recites "The policy module 620 can be designed to develop an empathetic agent, whose mood and personality matches that of the user, or a contrary agent, whose emotions and personality tend to be the exact opposite of the user, as two possible examples."

Appellants respectfully contend that the preceding quotes from Breese, col. 12, lines 61-

66 does not disclose customizing a presentation of information from Internet web sites to the user, but rather describes indicates that the policy module 620 can be designed to develop an empathetic agent.

The Examiner's Answer, page 11 argues: "As to appellants arguments that Breese fails to teach customizing presentation information from internet sites to the user according to the personality value of the user. Appellant identifies that Breese teaches "...the Bayesian agent network model and informs network what emotional and PERSONALITY state is to be projected(presented) to the user by the agent." AS mention numerous times the before, Breese is teaching the method as a computer agent in a communication network such as the internet which inherently includes websites. IC. 8 I. 65-67).... As to appellants statement/argument that Breese does not teach information "From internet websites", the examiner notes the appellant is not claiming information FROM a website but rather a users interactions with a website. Therefore web chatting(using a keyboard) or clicking through a site(using a mouse) with a computer agent is a users interaction with a website."

In response, Appellants assert that the Examiner's Answer is ignoring the language "*from Internet web sites* to the user by the server".

Moreover, as explained *supra* in conjunction with the first example, Breese does not teach user interaction with Internet websites during a session over the Internet between the user and a server. Therefore, Breese cannot teach the preceding feature of claims 1 and 37 which recites that such user interaction with Internet websites occur in conjunction with customizing a presentation of information from Internet web sites to the user by the server.

Therefore, Breese does not teach the preceding feature of claims 1 and 37.

Based on the preceding arguments, Appellants respectfully maintain that Breese does not anticipate claims 1 and 37, and that claims 1 and 37 are in condition for allowance. Since claims 2, 11-16, and 30 depend from claim 1, Appellants contend that claims 2, 11-16, and 30 are likewise in condition for allowance. Since claims 38-45 depend from claim 37, Appellants contend that claims 38-45 are likewise in condition for allowance.

In addition with respect to claims 2 and 38, Breese does not teach the feature: “wherein said characteristics of said user interactions comprise a total amount of time that the user dwells on a web page of an Internet web site of said Internet web sites during the first session”.

The Examiner’s Answer, page 5 argues that Breese, col. 10, lines 1-5; col. 12, lines 10-14 teaches the preceding feature of claims 2 and 38.

Appellants note that Breese, col. 10, lines 1-5 recites: “... Similarly, an individual's personality type will frequently influence their choice of phrasing, e.g.: "you should definitely" versus "perhaps you might like to".”

Appellants respectfully contend that the preceding quotes from Breese, col. 10, lines 1-5 does not teach “wherein said characteristics of said user interactions comprise a total amount of time that the user dwells on a web page of an Internet web site of said Internet web sites during the first session”.

Appellants note that Breese, col. 12, lines 10-14 recites: “For choice of paraphrase we make an additional assumption in using the Bayes net structure described above: the individual being modeled choose wording so as to match the intended interpretation with their current desired expressive style.”

Appellants respectfully contend that the preceding quotes from Breese, col. 12, lines 10-14 does not teach “wherein said characteristics of said user interactions comprise a total amount of time that the user dwells on a web page of an Internet web site of said Internet web sites during the first session”.

Appellants note that the preceding citations to Breese by the Examiner’s Answer are totally silent as to “a total amount of time that the user dwells on a web page of an Internet web site of said Internet web sites during the first session”.

Appellants assert that the preceding citations to Breese by the Examiner’s Answer do not in any way teach utilizing the characteristics of the user interactions comprising a total amount of time that the user dwells on a web page of an Internet web site of said Internet web sites during the first session.

Moreover, Appellants assert that the Examiner’s Answer has merely cited Breese, col. 10, lines 1-5; col. 12, lines 10-14 and has not presented any analysis to demonstrate that the preceding feature of claims 2 and 38 reads on the content in Breese, col. 10, lines 1-5; col. 12, lines 10-14. Therefore, the citation to Breese, col. 10, lines 1-5; col. 12, lines 10-14 in the Examiner’s Answer is not persuasive, due to lack of accompanying analysis.

Therefore, Breese does not teach the preceding feature of claims 2 and 38.

In addition with respect to claims 11 and 39, Breese does not teach the feature: “wherein said characteristics of said user interactions comprise a brevity or lengthiness of postings by the user to chatrooms of said Internet web sites during the first session”.

The Examiner’s Answer, page 5 argues that Breese, col. 10, lines 1-5; col. 12, lines 10-

14 teaches the preceding feature of claims 11 and 39.

Appellants note that Breese, col. 10, lines 1-5 recites: "... Similarly, an individual's personality type will frequently influence their choice of phrasing, e.g.: "you should definitely" versus "perhaps you might like to"."

Appellants respectfully contend that the preceding quotes from Breese, col. 10, lines 1-5 does not teach "wherein said characteristics of said user interactions comprise a brevity or lengthiness of postings by the user to chatrooms of said Internet web sites during the first session".

Appellants note that Breese, col. 12, lines 10-14 recites: "For choice of paraphrase we make an additional assumption in using the Bayes net structure described above: the individual being modeled choose wording so as to match the intended interpretation with their current desired expressive style."

Appellants respectfully contend that the preceding quotes from Breese, col. 12, lines 10-14 do not teach "wherein said characteristics of said user interactions comprise a brevity or lengthiness of postings by the user to chatrooms of said Internet web sites during the first session".

Appellants note that the preceding citations to Breese by the Examiner's Answer are totally silent as to "a brevity or lengthiness of postings by the user to chatrooms of said Internet web sites during the first session".

Appellants assert that the preceding citations to Breese by the Examiner's Answer do not in any way teach utilizing the characteristics of the user interactions comprising a brevity or lengthiness of postings by the user to chatrooms of said Internet web sites during the first session.

Moreover, Appellants assert that the Examiner's Answer has merely cited Breese, col. 10, lines 1-5; col. 12, lines 10-14 and has not presented any analysis to demonstrate that the preceding feature of claims 11 and 39 reads on the content in Breese, col. 10, lines 1-5; col. 12, lines 10-14. Therefore, the citation to Breese, col. 10, lines 1-5; col. 12, lines 10-14 in the Examiner's Answer is not persuasive, due to lack of accompanying analysis.

Therefore, Breese does not teach the preceding feature of claims 11 and 39.

In addition with respect to claims 12 and 40, Breese does not teach the feature: "deducing the personality type indicator associated with the user, said personality type indicator comprising a best value of each personality type variable of the plurality of personality type variables, said deducing comprising determining from each log of the set of logs the best value of each personality type variable".

The Examiner's Answer, page 5 argues that Breese, col. 16, lines 55-58 teaches the preceding feature of claims 12 and 40.

Appellants note that Breese, col. 16, lines 56-59 recites: "FIG. 15 illustrates one example of how the score-sums or probabilities stored in the memory 860 may be distributed over the possible candidate phrases for a given concept for a given state of the five word interpretation nodes 720-728."

Appellants respectfully contend that the preceding quotes from Breese, col. 16, lines 56-59 does not teach "deducing the personality type indicator associated with the user, said personality type indicator comprising a best value of each personality type variable of the plurality of personality type variables, said deducing comprising determining from each log of

the set of logs the best value of each personality type variable”.

The Examiner’s Answer, page 12 argues: “As to appellants arguments that Breese does not teach a “best value for each personality type.” The examiner note Breese determines probabilities of an emotional and/or personality state. The probability is the likelihood of an event, thus the probability that the users personality state will be of this nature. The highest probability is used to determine the response of the computer agent interacting with the user.”

In response, Appellants assert that the preceding argument in the Examiner’s Answer does not address the requirement of deducing the best value of each personality type variable from the log of each personality type variable, which Breese does not teach. Therefore, the preceding argument in the Examiner’s Answer is not persuasive.

Therefore, Breese does not teach the preceding feature of claims 12 and 40.

In addition with respect to claims 13 and 41, Breese does not teach the feature: “wherein determining the best value of each personality type variable comprises executing a majority vote algorithm for each log whose associated personality type variable is a binary variable”.

The Examiner’s Answer, page 5 argues that Breese, col. 10, lines 35-39, 53-56; col. 12, lines 22-29 teaches the preceding feature of claims 13 and 41.

Appellants note that Breese, col. 10, lines 34-39, 53-58 recites: “The expression nodes 330-345 are successors of the emotion and personality nodes 310-325, and capture the probability that the individual would express themselves in an active, positive, strong, and/or terse manner given emotional/personality states. Each of these nodes are binary valued, true or false.... The second stage 350 consists of interpretation nodes 352, 354, 356, 358 representing,

respectively, the probability that a particular concept or paraphrase from a concept node 360 would be interpreted as having an active positive, strong and terse expressive interpretation.”

Appellants respectfully contend that the preceding quotes from Breese, col. 16, lines 34-39, 53-58 does not teach “wherein determining the best value of each personality type variable comprises executing a majority vote algorithm for each log whose associated personality type variable is a binary variable”. There is no teaching in Breese, col. 10, lines 34-39, 53-58 of executing a majority vote algorithm for each log whose associated personality type variable is a binary variable.

Appellants note that Breese, col. 12, lines 22-29 recites: “Under this interpretation, the model captures a decision model regarding word selection. The selection of a paraphrase is done such that it maximizes the probability of a match between intended expressive style and interpretation, given all previous observations regarding gesture, speech characteristics, and wording choice. We implement this approach in the network by setting each "Match" node to true.”

Appellants respectfully contend that the preceding quotes from Breese, col. 12, lines 22-29 does not teach “wherein determining the best value of each personality type variable comprises executing a majority vote algorithm for each log whose associated personality type variable is a binary variable”. There is no teaching in Breese, col. 12, lines 22-29 of executing a majority vote algorithm for each log whose associated personality type variable is a binary variable.

Moreover, Appellants assert that the Examiner’s Answer has merely cited Breese, col. 10, lines 35-39, 53-56; col. 12, lines 22-29 and has not presented any analysis to demonstrate that

the preceding feature of claims 13 and 41 reads on the content in Breese, col. 10, lines 35-39, 53-56; col. 12, lines 22-29 . Therefore, the citation to Breese, col. 10, lines 35-39, 53-56; col. 12, lines 22-29 in the Examiner's Answer is not persuasive, due to lack of accompanying analysis.

Therefore, Breese does not teach the preceding feature of claims 13 and 41.

In addition with respect to claims 14 and 42, Breese does not teach the feature: "generating a user record associated with the user, said generating comprising inserting the determined personality type indicator into the user record; and storing the user record in the server".

The Examiner's Answer, page 5 argues that Breese, col. 7, lines 13-16 teaches the preceding feature of claims 14 and 42.

Appellants note that Breese, col. 7, lines 13-16 recites: "The drives and their associated computer-readable media provide nonvolatile storage of computer readable instructions, data structures, program modules and other data for the personal computer 120."

Appellants respectfully contend that the preceding quotes from Breese, col. 7, lines 13-16 does not teach "generating a user record associated with the user, said generating comprising inserting the determined personality type indicator into the user record; and storing the user record in the server".

Appellants assert that Breese, col. 7, lines 13-16 merely describes computer-readable media in a generic computing system and does not teach anything relating to "the determined personality type indicator".

The Examiner's Answer, page 12 argues: "The appellant argues that Breese fails to teach

"generating a record... "(again with out any distinguishing how appellants claims distinguish). The examiner notes Breese teaches summing and recording scores of users phrases(C. 16 l. 46-48)."

In response, Appellants note that Breese, col. 16, lines 46-48 recites: "A candidate probability module 850 sums the scores for each candidate phrase and stores the result as a probability in a memory 860". However, claims 14 and 42 require performance of both the recited "inserting" step and the recited "storing" step. Breese, col. 16, lines 46-48 teaches only one such step, namely the step of storing the result as a probability in a memory 860. Thus, Breese, col. 16, lines 46-48 does not teach the preceding feature of claims 14 and 42.

Therefore, Breese does not teach the preceding feature of claims 14 and 42.

In addition with respect to claims 15 and 43, Breese does not teach the feature: "retrieving the user record associated with the user, wherein said customizing comprises customizing a content or style of information to be presented to the user by utilizing the personality type indicator that is in the user record".

The Examiner's Answer argues, page 5 that Breese, col. 13, lines 25-35 teaches the preceding feature of claims 15 and 43.

Appellants note that Breese, col. 13, lines 25-35 recites: "The linkage between the user and agent network models 610, 640 is embedded in the policy module 620. The policy module 620 is the mapping from the updated probabilities of the emotional states and personality of the user (furnished by the Bayesian user model 610) to the desired emotional state and personality of the agent. The policy module 620 can be designed to develop an empathetic agent, whose mood

and personality matches that of the user, or a contrary agent, whose emotions and personality tend to be the exact opposite of the user, as two possible examples.”

Appellants respectfully contend that the preceding quotes from Breese, col. 16, lines 56-59 does not teach “retrieving the user record associated with the user, wherein said customizing comprises customizing a content or style of information to be presented to the user by utilizing the personality type indicator that is in the user record”. Appellants note that there is no teaching in Breese, col. 13, lines 25-35 of the user record being retrieved.

The Examiner’s Answer, pages 12-13 argues: “As to appellants arguments that Breese fails to teach retrieving the user record to be utilized for customizing information based on the personality type. The examiner notes C. 16 l.48-55 Breese teaches evaluating the stored information to determine the “best” probability to employ the agent to use to present information to the user. The examiner also notes how would one customize the agent if they did not have the record or previous information about the user to customize the agent. Customizing refers to meeting the individuals needs, therefore one would have to inherently know or have access to those needs prior to customizing(C. 16 l. 50-55).”

In response, Appellants assert that the preceding argument in the Examiner’s Answer does not present an argument alleging that Breese discloses retrieving the user record, which in fact Breese does not teach.

Therefore, Breese does not teach the preceding feature of claims 15 and 43.

In addition with respect to claims 16 and 44, Breese does not teach the feature: “said observing, recording, deducing, generating, storing, and customizing being performed during the

first session by programmable instructions executing on the server”.

The Examiner’s Answer, page 5 argues that Breese, col. 4, lines 60-61 teaches the preceding feature of claims 16 and 44.

Appellants note that Breese, col. 4, lines 60-62 recites: “exhibiting corresponding behavior to a user, and a network linking user behavior observed by said observer and emotion and personality conveyed by said agent”

Appellants respectfully contend that the preceding quotes from Breese, col. 4, lines 60-62 does not teach “said observing, recording, deducing, generating, storing, and customizing being performed during the first session by programmable instructions executing on the server”.

Moreover, Appellants assert that the Examiner’s Answer has merely cited Breese, col. 4, lines 60-62 and has not presented any analysis to demonstrate that the preceding feature of claims 16 and 44 reads on the content in Breese, col. 4, lines 60-62. Therefore, the citation to Breese, col. 4, lines 60-62 in the Examiner’s Answer is not persuasive, due to lack of accompanying analysis.

Therefore, Breese does not teach the preceding feature of claims 16 and 44.

In addition with respect to claims 30 and 45, Breese does not teach the feature: “wherein the personality type indicator is a Myer Briggs Type Indicator”.

The Examiner’s Answer, page 5 argues that Breese, col. 8, lines 61-65 teaches the preceding feature of claims 30 and 45.

Appellants note that Breese, col. 8, lines 61-67 recites: “Psychologists have devised laboratory tests which can reliably measure both emotional state (with physiological sensing such

as galvanic skin response and heart rate) and personality (with tests such as the Myers-Briggs Type Indicator). A computer-based agent does not have these "sensors" at its disposal, so alternative sources of information must be used."

In light of the preceding quote of ("A computer-based agent does not have these "sensors" at its disposal, so alternative sources of information must be used") from Breese, col. 8, lines 65-67, Appellants assert that it is clear that Breese does not teach "wherein the personality type indicator is a Myer Briggs Type Indicator".

The Examiner's Answer, page 13 argues: "As to appellants arguments that Breese fails to teach observing MBTI by an computer based agent. The examiner notes appellants interpretation of the prior art is incorrect. In C. 8 I. 61-67 Breese address how Psychologists have used physical laboratory tests(galvanic skin response and heart rate) to measure emotional state such as MBTI and that a computer agent does not have sensors to measure these responses. Appellant interprets this to mean a computer agent is not capable of measure personality traits such as MBTI. However, Breese states the computer agent does not have "sensors" to perform tests such as a skin test or heart rate. However, the computer agent utilizes other resources of information in connection with MBTI to identify the emotional state such as mouse keyboard. The examiner notes that Breese also discloses using microphones and cameras connected to the computer agent to determine emotional state as well."

In response, Appellants note that the Examiner's Answer has not provided a citation to Breese to support the preceding allegation in the Examiner's Answer that "the computer agent utilizes other resources of information in connection with MBTI to identify the emotional state such as mouse keyboard." Since the Examiner cannot cite where Breese teaches the preceding

allegation in the Examiner's Answer, Appellants assert that the preceding argument in the Examiner's Answer is not persuasive.

Therefore, Breese does not teach the preceding feature of claims 30 and 45.

GROUND OF REJECTION 5

Claims 34-36 and 46-48 stand rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over US Patent 5,987,415 Breese *et al*; Modeling a User's Emotion and Personality in a computer user interface as applied to claims 1-2, 11-16, 37-45 above, and further in view of US Patent 5,848,396 Gerace; Method and Apparatus for Determining Behavior Profile of a Computer User; hereinafter referred to as Gerace.

Since claims 34-46 depend from claim 1, which Appellants have argued *supra* to not be unpatentable over Breese under 35 U.S.C. §102(b), Appellants maintain that claims 34-36 are likewise not unpatentable over Breese in view of Gerace under 35 U.S.C. §103(a).

Since claims 46-48 depend from claim 37, which Appellants have argued *supra* to not be unpatentable over Breese under 35 U.S.C. §102(b), Appellants maintain that claims 46-48 are likewise not unpatentable over Breese in view of Gerace under 35 U.S.C. §103(a).

With respect to features specific to claims 34-36 and 46-48, the Examiner's Answer argues that Breese in view of Gerace teaches: "determining a value of a personality/emotion based on users reactions to a customized presentation" and "'After" multiple session information has been obtained making inferences from the recorded activity". The Examiner's Answer also acknowledges that "Breese fails to teach the identification of the end of a users internet session."

Appellants assert that the preceding argument by the Examiner's Answer does not allege that Breese in view of Gerace teaches the following features of claims 34-36 and 46-48:

"opening a second session over the Internet between the user and the server after the first session has been closed;

customizing a second presentation of second information to the user by the server according to the value of the personality type indicator;

presenting the second information to the user by the server according to said customizing the second presentation;

after said presenting the second information to the user, determining whether the second session is still active;

if said determining determines that the second session is still active then monitoring for the occurrence of new events that are implicitly relevant to deducing values of the personality type variables pertaining to the user, said new events consisting of user interactions with Internet web sites that the user visits during the second session; and

if said determining determines that the second session is not still active then retrieving the logs and recomputing values for the personality type variables by testing the retrieved logs.”

Accordingly, Appellants respectfully contend that the Examiner’s Answer has failed to establish a *prima facie* case of obviousness in relation to claims 34-36 and 46-48.

The Examiner’s Answer, page 14 states: “The appellant has failed to submit evidence as to why a *prima facie* case has not been established . The examiner notes the rationale supplied, the need for a complete record that is needed to appropriately identify the user for which to present the customization.”

In response, Appellant asserts that the reason that the Examiner’s Answer has failed to establish a *prima facie* case of obviousness in relation to claims 34-36 and 46-48 is that the Examiner’s Answer does not allege that Breese in view of Gerace teaches the features of claims 34-36 and 46-48 listed above and does not present arguments relating to said features.

Therefore, claims 34-36 and 46-48 are not unpatentable over Breese in view of Gerace under 35 U.S.C. § 103(a).

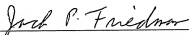
In addition, Appellants assert that the Examiner's Answer has not established a *prima facie* case of obviousness in relation to claims 35 and 47, because the Examiner's Answer does not allege with accompanying argumentation that Breese in view of Gerace teaches the following features of claims 35 and 47: "wherein said determining determines that the second session is still active".

In addition, Appellants assert that the Examiner's Answer has not established a *prima facie* case of obviousness in relation to claims 36 and 48, because the Examiner's Answer does not allege with accompanying argumentation that Breese in view of Gerace teaches the following features of claims 36 and 48: "wherein said determining determines that the second session is not still active".

SUMMARY

In summary, Appellant respectfully requests reversal of the January 4, 2007 Office Action rejection of claims 1-2, 11-16, and 34-48.

Respectfully submitted,



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Dated: 11/30/2007

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